

### REMARKS

This paper responds to the non-final Office Action dated April 9, 2007. Claims 1-58 are pending, and each stands rejected. In light of the amendments and comments herein, Applicants submit that the claims are in condition for immediate allowance.

#### **Rejections Under 35 U.S.C. § 101**

The Office Action rejected claims 1-58 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 27, and 53 are the independent claims of the group. Claims 1 and 53 have been amended to recite a "computer-implemented method." Claim 27 has been amended to recite "a computer-readable medium having computer-executable instructions contained therein for performing a method, the method comprising," the same preamble language on which the Office and the Applicant agreed in *In re Beauregard*, 35 U.S.P.Q.2d 1383 (Fed. Cir. 1995). Applicants therefore submit that the claims recite statutory subject matter.

#### **Rejections Under 35 U.S.C. § 103 Over Yadav and Yayoi**

The Office Action rejected claims 1-52, 57, and 58 as obvious over U.S. Patent App. Pub. 2004/0186828 to Yadav et al. ("the Yadav publication") in view of U.S. Patent App. Pub. 2003/0149704 to Yayoi et al. ("Yayoi"). The filing date of the instant application is September 12, 2003. The filing date of the Yadav publication is December 23, 2003, but the Yadav publication claims priority to U.S. Provisional application 60/435,870 ("the Yadav provisional application"), which was filed December 24, 2002. Because the Yadav publication's filing date follows the filing date of the instant application, the Yadav publication can only be applied as of the corresponding provisional filing date of December 24, 2002, "if the [provisional application] properly supports the subject matter used to make the rejection." MPEP § 706.02(f)(1).

Applicants submit that the sections of the Yadav publication relied upon in the Office Action are not properly supported by the provisional application. Accordingly, the Yadav publication may not be applied against the instant application as outlined in the Office Action. To expedite prosecution, Applicants have reviewed the Yadav provisional application, and are submitting

herewith that application for the Examiner's convenience. The Yadav provisional application is very different from the Yadav publication, and as indicated above, Applicants submit that the Yadav provisional application fails to disclose or suggest all of the features in the pending claims.

Claim 1 recites a computer-implemented method of, *inter alia*, receiving a first search query; receiving a second search query; identifying a relationship between the first search query and the second search query; determining a first article associated with the second query; and determining a first ranking score for the first article based at least in part on data associated with the first query. Thus, in some implementations, for example, user reactions or other information relating to a first query may be used to help generate a score for results of another query, such as when sufficient data is not available to permit accurate scoring of the results for the other query. In a like manner, claim 27 recites a computer-readable medium having computer-executable instructions for performing a method similar to the method recited in claim 1. Claim 53 recites a computer-implemented method that includes, *inter alia*, receiving a first search query; receiving a second search query; identifying a relationship between a first search query and a second search query; and calculating a ranking score for a first article associated with the second query based on a quality signal associated at least in part with the first search query.

The Yadav provisional application, in contrast, appears to be focused on a single query that may be augmented by the user based on alternative terms suggested by the system. For example, the system in the Yadav provisional application may suggest synonyms to a user based on terms the user has already entered. The Yadav provisional application does not describe or suggest identifying relationships between multiple queries in any way whatsoever. Nor does the system as disclosed in the Yadav provisional application have the "same functionality" as the inventions in the pending claims. The Yadav provisional application focused on modifying or augmenting an initial query, while the instant claims leave the initial query alone and instead use information about the first query to improve ranking of results for a *second query*.

Yayoi does not fix these problems with the Yadav provisional application. To the extent it can be understood, Yayoi (in the passages cited by the Office) appears to involve deriving a second search query from a first search query but does not appear to identify any sort of relationship

between the queries, let alone use such information in ranking of results. Thus, Yayoi discloses little that is relevant to the pending claims, and there appears to be no reason to combine the two references in any event.

The dependent claims are patentable for reasons in addition to those just described with reference to the independent claims. As a result, Applicants submit that the claims are in condition for allowance.

### **Rejections Under 35 U.S.C. § 103 Over Yadav, Yayoi, and Prince**

The Office Action rejected claims 53-56 as obvious over Yadav in view of Yayoi, and further in view of U.S. Patent 6,877,022 to Prince. For the reasons discussed above, the Yadav publication is not an appropriate reference based on its filing date, and the Yadav provisional application neither discloses nor suggests what is recited in the pending claims. Applicants also do not understand the Office to be asserting that Prince would compensate for Yadav. For example, Prince appears to disclose a single search query (metadata) that is separated into keywords. The keywords are compared with selected keywords. However, Prince does not appear to disclose receiving a first search query, receiving a second search query, and identifying any sort of relationship between the first and second queries. Thus, Prince discloses little that is relevant to the pending claims, and furthermore, there appears to be no reason to combine the three references.

Accordingly, Applicants respectfully submit that claims 53-56 are in condition for allowance.

### **Conclusion**

Applicants respectfully submit that pending claims 1-58 are in condition for allowance and request that the Examiner allow them.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue

with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to this amendment.

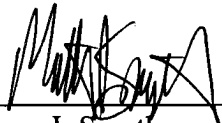
As indicated above, a copy of the Yadav provisional application—application serial number 60/358,870—is submitted herewith for the Examiner's convenience.

Applicants note that an initialed copy of the PTO-1449 form filed January 23, 2007, has not been returned. Thus, Applicants respectfully request return of an initialed copy with the next Office communication.

This submission is accompanied by a Petition for One-Month Extension of time and the requisite fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 18, 2007

  
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